

09/671,388

MS150832.02/MSFTP150US

REMARKS

Claims 1-5 and 7-20 are currently pending in the present application and are presently under consideration. All pending claims with status identifiers are found at pages 2-4.

Favorable reconsideration is requested in view of the comments below.

I. Rejection of Claims 1-5 and 7-20 Under U.S.C. §102(e)

Claims 1-5 and 7-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Anglin (US 6,260,069). Reconsideration and allowance of claims 1-5 and 7-20 is respectfully requested for at least the following reasons. Anglin does not disclose or suggest each and every limitation as recited in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention facilitates regulating access to a distributed computing platform with respect to untrusted and/or partially trusted applications/modules. In particular, as recited in independent claim 1 (and similarly recited in independent claim 10 and 12), the invention *compares an applied trust level of an application with a trust level of a module called by the application and regulates access of the application to a distributed computing platform based at least in part upon the comparison*. Anglin does not disclose or suggest these novel aspects of applicant's invention.

In contrast to the claimed invention, Anglin discloses a system utilized for backing up files in a distributed computing system, wherein a backup program is initiated to request backup of a particular file. As described by the Examiner in the Final Office Action dated March 7, 2005, to effectuate backing up a file, a determination is made

09/671,388

MS150832.02/MSFTP150US

regarding whether the file exists within a shared namespace. If it is found that the file is resident within the shared namespace, a backup request is transmitted to a backup server program, and such program transmits a message to a file server to provide the requested file. The backup server program subsequently stores the requested file in a storage device. The Examiner asserts that, due to the above, Anglin “describes and provides an access regulation system that can analyze and interact with a computing environment.” The only access regulation disclosed in Anglin, however, relates to determining whether *clients* are authorized to access files in a file server. More specifically, Anglin teaches that prior to obtaining access to files in the file server, the client receives an access ticket from a user, and the client thereafter presents such access ticket to the file server. The file server then analyzes the ticket to determine whether *the client* has access to files therein. *See* col. 3, line 64 – col. 4, line 8, and col. 5, lines 22-42. The access ticket, however, is not applied to *an application*, and there is no *comparison of an applied trust level of an application with a trust level of a module called by the application*. Furthermore, there is no disclosure within Anglin of a *module called by the application* – rather, a user initiates the backup request by communicating with the client. Accordingly, Anglin fails to disclose *determining a trust level for a first module called by an application, the application requesting access to the distributed computing platform* as recited in independent claim 12. To be more explicit, Anglin discloses determining whether a client is authorized to access a file – but the client is not *called by an application* as claimed.

To more fully differentiate the invention as claimed with the teachings of Anglin, it is readily apparent that the claimed invention recites *two* disparate trust levels: *an applied trust level of an application* and *a trust level of a module called by the application* (*See, e.g.,* claims 1, 10, and 20). Anglin, in contrast, discloses a single trust level – one applied (by way of an access ticket) to a client that is attempting to access files within a file server. Accordingly, per the teachings of Anglin, as there is (at most) one trust level applied to a client, there cannot be a *comparison* of trust levels (as a comparison requires at least two entities).

The Examiner in the Final Office Action has asserted that applicant has “clearly failed to explicitly identify specific claim limitations, which would define a patentable

09/671,388

MS150832.02/MSFTP150US

distinction over the prior arts.” Applicant’s representative believes that in the Reply to the Office Action dated August 27, 2004 (and filed November 27, 2004), it was made abundantly clear that Anglin fails to disclose or suggest ***a component that compares an applied trust level of an application with a trust level of a module called by the application and regulates access of the application to the distributed computing platform based at least in part upon the comparison*** as recited in independent claim 1. To further explicitly identify claim limitations, for at least the reasons provided above (e.g., Anglin does not disclose trust levels applied to multiple entities), it is asserted that Anglin fails to disclose ***means for applying the trust level to the application to regulate access to the distributed computing platform and means for regulating access of the application to the distributed computing platform by analyzing a trust level of a module called by the application*** as recited in independent claim 10. Furthermore, as described above, Anglin fails to disclose ***determining a trust level for a first module called by an application, the application requesting access to the distributed computing platform.***

Referring now to dependent claims 3 and 13, it is apparent from the above that Anglin further does not disclose or suggest (inherently or otherwise) ***marking the application with at least one of states: (1) fully trusted, (2) run restricted, and (3) fail to load*** as recited in these claims. In particular, Anglin at most discloses applying a binary trust level to a *client* upon receipt and analysis of an access ticket provided by user, and not to an *application* as claimed. The Examiner has stated that the above limitation “can be implemented by a person of ordinary skill in the art...” Such a conclusory phrase, however, is not representative of the Examiner’s burden under 35 U.S.C. §102.

Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *Mehl/Biophile Int’l Corp. v. Milgraum*, 192 F.3d 1362, 1365, 52 USPQ2d 1303, 1305 (Fed. Cir. 1999), reh’g denied, 1999 U.S. App. LEXIS 31386 (Fed. Cir. Oct. 27, 1999) (quoting *In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981)).

Moreover, Anglin does not provide any motivation for utilizing levels of trust (e.g., ***(1) fully trusted, (2) run restricted, and (3) fail to load***). As described above,

09/671,388

MS150832.02/MSFTP150US

Anglin relates to a system utilized for backing up files in a distributed computing system, and does not relate to applications that are associated with trust levels. In particular, the security described within Anglin is binary, wherein a client either has authority to access a file for backup or does not have authority to access a file for backup. Accordingly, Anglin does not disclose, teach, or suggest the limitations of claims 3 and 13.

In view of the foregoing, it is submitted that Anglin does not anticipate nor make obvious the invention as recited in claims 1, 10, and 12 (and claims 2-5, 7-9, 11, and 13-20 which respectfully depend there from). Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP150US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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